

TTAB

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

JZCHAK N. WAJCMAN d/b/a BILL
LAWRENCE PRODUCTS and BILL
LAWRENCE GUITAR PICKUPS,

Petitioner,

v.

WILLI LORENZ STICH a/k/a BILL
LAWRENCE,

Registrant/Respondent.

Cancellation No.: 92043516

In the matter of Registration No. 2,303,676

Mark: BILL LAWRENCE

Date Registered: December 28, 1999

Goods/Services: Technical consulting in
the nature of design and
evaluation of stringed
musical instruments and
accessories, namely,
pick-ups, strings and
bridges in International
Class 042.

**OBJECTIONS TO UNTIMELY SUMMARY
JUDGMENT PAPERS FILED BY
RESPONDENT WILLI LORENZ STICH ON
JANUARY 30, 2007, FEBRUARY 4, 2007
AND FEBRUARY 8, 2007**

02-26-2007

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #

1 PLEASE TAKE NOTICE that petitioner Jzchak Wajcman respectfully objects to the
2 following documents filed by respondent Willi Lorenz Stich as being untimely, duplicative,
3 irrelevant, lacking a proper foundation and harassing:

4 Bill Lawrence's Supplemental Points and Authorities in Opposition to Petitioner's
5 Motion for Summary Judgment dated January 30, 2007

6 Request for Judicial Notice of Jzchak Wajcman's Application Serial No. 76594437 and
7 Granting of Letter of Protect dated January 30, 2007

8 Bill Lawrence's Supplemental Points and Authorities in Support of Reigistrant's Motion
9 for Summary Judgment dated January 30, 2007

10 Bill Lawrence's Supplemental Points and Authorities II in Support of Reigistrant's
11 Motion for Summary Judgment; Request for Judicial Notice of Refusal in Wajcman's
12 Application Serial No. 76594437 dated February 4, 2007

13 Bill Lawrence's Supplemental Declaration in Support of Reigistrant's Motion for
14 Summary Judgment; Request for Judicial Notice of Refusal in Wajcman's Application
15 Serial No. 76594437 dated February 8, 2007

16 37 CFR § 2.127(a) clearly states in part:

17 *The Board may, in its discretion, consider a reply brief. Except as*
18 *provided in paragraph (e)(1) of this section, a reply brief, if filed,*
19 ***shall be filed within 15 days from the date of service of the brief***
20 ***in response to the motion.** The time for filing a reply brief will not*
21 *be extended.*

22 Moreover, 37 CFR § 2.127(e)(1) clearly states in part:

23 *[A] Brief in response to the motion for summary judgment **shall be filed within***
24 ***30 days from the date of service of the motion** unless the time is extended by*
25 *stipulation of the parties approved by the Board, or upon motion granted by the*
26 *Board, or upon order of the Board.*

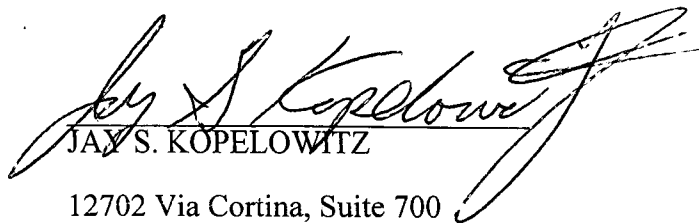
27 The above identified documents were filed and served by respondent Willi Lorenz Stich
28 on January 30, 2007, February 4, 2007 and February 8, 2007. To the extent they are construed as
being in support of respondent Stich's motion for summary judgment, they are untimely because
the date of service of the petitioner's brief in response to the motion was August 18, 2006 and
therefore all replies thereto were due on or before September 04, 2006. To the extent they are
construed as being in opposition to petitioner's motion for summary judgment, they are untimely
because the date of service of the petitioner's motion for summary judgment was August 18,
2006 and therefore all documents in opposition to the motion were due on or before September
18, 2006. Clearly, both dates have long passed and respondent's most recent filings are objected

to and should be disregarded.

PLEASE TAKE FURTHER NOTICE that petitioner Jzchak Wajcman also respectfully objects to the foregoing documents as being irrelevant to the instant proceeding. The centralized issue in each of the five documents filed by respondent Stich is that the Trademark Office Examining Attorney has found that there is some evidence that "Bill Lawrence" is a living individual and therefore issued an Office Action in regards to the pending trademark application filed by petitioner Wajcman. Wajcman will now have 6 months to respond to the Office Action and will present arguments in support of his application in his response to the Office Action. Neither the Office Action nor the Letter of Protest amount to a final determination of this issue. At the appropriate time, Wajcman will argue and present evidence that either "Bill Lawrence" is not a living individual and/or that the name BILL LAWRENCE became a trade name/trademark that was used as collateral for various loans obtained by Willi Stich and/or his company Lawrence Sound Research, that Willi Stich provided explicit consent or implied consent to the use of the name "Bill Lawrence" as a trade name/trademark as part of the sale/transfer of the loan collateral, and that Jzchak Wajcman is the current owner of the "Bill Lawrence" trade name/trademark transferred by Willi Stich.

Dated: February 20, 2007

Respectfully submitted by:
KOPELOWITZ & ASSOCIATES



JAY S. KOPELOWITZ

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Attorneys for Petitioner Jzchak N. Wajcman

DECLARATION OF SERVICE

I am employed in the County of San Diego, State of California. I am over the age of 18 and am not a party to the within action; my business address is: 12702 Via Cortina, Suite 700, Del Mar, CA 92014.

On February 20, 2007 I served the foregoing documents described as:

**OBJECTIONS TO UNTIMELY SUMMARY JUDGMENT PAPERS FILED BY
RESPONDENT WILLI LORENZ STICH ON JANUARY 30, 2007, FEBRUARY 4, 2007
AND FEBRUARY 8, 2007**

upon the interested parties in this action by placing
[X] copies enclosed in a sealed envelope to:

Gregory Richardson
LAW OFFICES OF
GREGORY RICHARDSON, ESQ.
3890 11TH Street, Suite #210
Riverside, CA 92501

Counsel for Respondent Willi Lorenz Stich

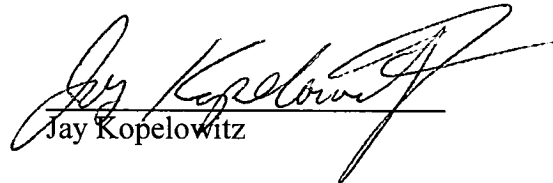
[X] **BY REGULAR MAIL** by depositing such envelope with postage thereon fully prepaid in the United States mail at Del Mar, California.

[] **BY FACSIMILE** by telecopier to the facsimile telephone numbers listed above.

[] **BY HAND DELIVERY.**

I certify under penalty of perjury under the laws of the State of California and the laws of the United States that the foregoing is true and correct.

Dated: February 20, 2007 at Del Mar, California.


Jay Kopelowitz